

**UNITED STATES DISTRICT COURT**  
**for the**  
**District of Massachusetts**

JOSE MARIA DECASTRO, an individual	)	Case No. 1:22-cv-11421
	)	
Plaintiff,	)	<b>SUPPLEMENTAL COMPLAINT</b>
	)	
v.	)	
	)	
JOSHUA ABRAMS, an individual,	)	
KATE PETER, an individual,	)	
JOHN DOES 1-50,	)	
YOUTUBE (GOOGLE LLC), a corporation,	)	
JOHN DOES 1-20, individuals,	)	
	)	
Defendants.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

**SUPPLEMENTAL COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(d), plaintiff Jose DeCastro (“Plaintiff”) hereby files this supplemental complaint to its First Amended Complaint (ECF No. 62) (“FAC”) in connection with its federal claim of copyright infringement, adding YouTube (GOOGLE LLC) (“YouTube”), and its unidentified employees making copyright determinations, John Does 1-20, as Defendants, for events that have occurred since the filing of the FAC. Further, Plaintiff supplements facts and copyrighted works (“Works”) and alleges as follows:

**INTRODUCTION**

1. Since the filing of the FAC, YouTube and unidentified individuals at YouTube, have made determinations outside of the Digital Millennium Copyright Act (“DMCA”) notice-and-

takedown system, giving up their Safe Harbor protection under the DMCA, and causing Plaintiff harm by interfering with his ability to exercise his copyright.

2. Defendants YouTube and individuals at YouTube, John Does 1-20, are severally liable for damages related to Plaintiff's FAC against the remaining defendants.

### **JURISDICTION AND VENUE**

3. This District has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

4. This District has personal jurisdiction over all Defendants under the criminal copyright activity predicate (2319) of 18 U.S.C. § 1965 (RICO). RICO violations make up the majority of the factors in the claims in this action.

5. Pursuant to 18 U.S.C. § 1965(a), venue is proper in this Court because it sits in a district that Defendant Peter resides. Pursuant to 18 U.S.C. § 1965(b), a court that is proper for one RICO defendant is proper for all other RICO defendants.

### **PARTIES**

6. I, Jose DeCastro, am an individual, residing at 1258 Franklin St, Santa Monica, CA.

7. Defendant YouTube (GOOGLE LLC) is a Delaware corporation doing business worldwide with their principal address at 901 Cherry Ave, San Bruno, CA.

8. I can only identify Defendants, John Does 1–20, individuals at YouTube answering DMCA complaints, by dispute number (a DMCA dispute tracking system at YouTube), and timestamps, as they sign their emails anonymously as “The YouTube Team”.

### **FACTUAL BACKGROUND**

9. I have published over 800 videos, to which I own the valid copyright to, as content to my YouTube channel at [https://www.youtube.com/channel/UCF08Wb\\_1z0ONDwh4Lvhu2AA/](https://www.youtube.com/channel/UCF08Wb_1z0ONDwh4Lvhu2AA/)

10. Defendant YouTube publishers have copied my content without consent.

11. Defendant YouTube has specified their DMCA designated agent as Copyright Operations, YouTube, LLC, 901 Cherry Ave, San Bruno, CA 94066, Phone: 650-214-3010, Email: [copyright@youtube.com](mailto:copyright@youtube.com)

12. Upon receiving notices of copyright infringement to the agent at paragraph 11, by Plaintiff under 17 U.S.C. § 512(c)(3), YouTube and John Does 1-20 have failed to take down infringing content on their service.

13. YouTube and John Does 1-20 have determined on multiple occasions that content is exempt from takedown under the DMCA due to copyright fair use, not even considering that I notified them that I had filed a court action, in violation of the DMCA and its standard technical measures.

14. Defendants YouTube and John Does 1-20 do not accept notice of a filed court action to defeat a counter-notice, under the DMCA standard technical measures, but instead require a “court-stamped copy of the full lawsuit”. Defendants refuse to answer what they mean by court-stamped, whether it’s a received stamp, which isn’t relevant to e-filed documents (which all federal courts use), or whether they mean a certified copy, both of which are more than the requirements of the DMCA standard technical measures.

15. YouTube does not have a policy that is consistently enforced for the termination of repeat infringers under 17 U.S.C. §§ 512(i)(1)(A), 512(i)(2)(A), and 512(i)(2)(B).

16. My Works are listed in Exhibit 1 of the FAC and ones added since the FAC are listed in **Exhibit 1** of this supplemental complaint, by YouTube URL.

### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing. Added parties will be served under Fed. R. Civ. P. Rule 4.

**CERTIFICATION PURSUANT TO LOCAL RULE 15.1**

Since the defendants are being added as a supplement and not an amendment relating back to the original filing date, this rule doesn't apply according to its literal interpretation.

Dated: November 30, 2022

Respectfully submitted,

/s/ Jose DeCastro

Jose DeCastro

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*Pro Se*

# EXHIBIT 1

[https://www.youtube.com/watch?v=zXA\\_HNZ5n9s](https://www.youtube.com/watch?v=zXA_HNZ5n9s)  
<https://youtube.com/shorts/XoQYnvc1eKM>  
<https://youtube.com/shorts/JKwdA7zI-9I>  
<https://www.youtube.com/watch?v=hSuyUSuAgCw>  
<https://www.youtube.com/watch?v=AFJZDq4Bvus>  
<https://www.youtube.com/watch?v=Fe5M-QKMZI4>  
<https://www.youtube.com/watch?v=pbd618VVEMg>  
<https://www.youtube.com/watch?v=vpNFTAsm-AQ>  
<https://www.youtube.com/watch?v=jkRGp-gIUUE>  
<https://www.youtube.com/watch?v=4xYocSJRqXg>  
<https://www.youtube.com/watch?v=QmSCbyqSrf4>  
<https://www.youtube.com/watch?v=D2czQIEGdpw>  
<https://www.youtube.com/watch?v=3ZocuHJIuPo>